

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|  |   |                          |
|--|---|--------------------------|
| Tammy Barker, Timothy Robert Barker, and)    | ) |                          |
| Melisa Merryman, on behalf of themselves )   | ) |                          |
| and on behalf of those similarly situated, ) | ) |                          |
|  | ) |                          |
| Plaintiffs,                                  | ) | Case No. 08 C 50015      |
|  | ) |                          |
| v.   | ) | Judge Reinhard           |
|  | ) | Magistrate Judge Mahoney |
| Local 150, International Union of )          | ) |                          |
| Operating Engineers, AFL-CIO, )              | ) | Trial by Jury Demand     |
|  | ) |                          |
| Defendant.                                   | ) |                          |

**LOCAL 150's MOTION TO DISMISS OR STAY**

Defendant International Union of Operating Engineers, Local 150, AFL-CIO ("Local 150"), by and through its attorneys, moves to dismiss or stay Plaintiffs' First Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Local 150's Motion to Dismiss is supported by an accompanying supporting memorandum of law.

WHEREFORE, for the reasons stated in Local 150's accompanying memorandum of law, Local 150 respectfully requests that this Court dismiss with prejudice Plaintiffs' First Amended Complaint, or, in the alternative, stay this matter pending the resolution of MES, et al. v. Local 150, et al.

Date: March 28, 2008

Respectfully submitted,

INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 150, AFL-CIO

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One of the Attorneys for Defendant Local 150

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that on March 28, 2008, he electronically filed ***Local 150's Motion to Dismiss or Stay*** with the Clerk of Court using the CM/CM/ECF system which sent notification to the following:

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